

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States of
America, et al.,

Defendants.

NO.

DECLARATION OF
NICOLE KRISHNASWAMI

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NICOLE KRISHNASWAMI

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7744

1 I, Nicole Krishnaswami, declare as follows:

2 1. I am over the age of 18, competent to testify as to the matters herein, and make
3 this declaration based on my personal knowledge.

4 2. I am the Executive Director for the Oregon Medical Board. I have served in this
5 role since 2018. As the Executive Director of the Board, I am responsible for ensuring that the
6 mission of the Board is met through strategic planning, legislative and administrative rule
7 coordination, oversight of operations, and coordinated communications. I am also familiar with
8 laws and rules that apply to the Board's powers and duties.

9 3. The Board is a 14-member body established under Oregon state law,
10 ORS § 677.235, and delegated authority under ORS § 677.265 to license and regulate allopathic
11 and osteopathic physicians and physician associates, establish and enforce qualifications for
12 licensure and standards of practice, investigate alleged violations of the Oregon Medical Practice
13 Act, issue disciplinary action when a violation of state law has occurred, and educate licensees
14 and the public.

15 4. The Board may discipline licensees for unprofessional or dishonorable conduct
16 under ORS § 677.190(1)(a). Unprofessional and dishonorable conduct includes the conduct,
17 acts, and conditions listed in ORS § 677.188(4).

18 5. ORS § 677.188(4) does not specifically exclude gender-affirming care from
19 "unprofessional or dishonorable conduct." However, the definition for "unprofessional or
20 dishonorable conduct" does not include treatments and practices that are consistent with
21 recognized and accepted standards of care. In turn, ORS § 677.190(6)(b) and (15)(b) each
22 provide that out-of-state criminal and disciplinary actions punishing the provision of gender-
23 affirming care "in accordance with the standard of care" are not grounds for further discipline
24 by the Board.

25 6. The Board may discipline licensees for gross or repeated negligence in the
26 practice of medicine under ORS § 677.190(13). Negligence is conduct in the practice of

1 medicine that falls below the standard of care. The standard of care is defined in ORS §
 2 677.095(1) as the degree of care, skill, and diligence that is used by ordinarily careful providers
 3 in the same or similar circumstances in the same or similar community.

4 7. As one example for standards of care, for physicians, ORS § 677.265(1)(c)
 5 provides that, when “determining whether to discipline a licensee for a standard of care violation,
 6 the Oregon Medical Board shall determine whether the licensee used that degree of care, skill
 7 and diligence that is used by ordinarily careful physicians in the same or similar circumstances
 8 in the community of the physician or a similar community.” For that analysis, the Board looks
 9 to the input of experts, namely licensed physicians in good standing with expertise in the field.

10 I declare under penalty of perjury that the foregoing is true and correct.

11
 12 DATED this 5th day of February 2025, at Portland, Oregon.

13 Nicole

14 Krishnaswami

NICOLE KRISHNASWAMI

15 Executive Director

16 Oregon Medical Board

Digitally signed by: Nicole Krishnaswami
 DN: CN = Nicole Krishnaswami email = nicole.
 krishnaswami@omb.oregon.gov OU = Agency,
 Accounts, Users
 Date: 2025.02.05 16:40:32 -0800